



Disciplinary Policy

Introduction

The School is required to specify any policies applicable to its employees, and to provide reasonable access to documents detailing such policies. Reasonable behaviour and conduct are expected of all employees to maintain good relations and discipline in the interest of all employees.

The School will comply with the ACAS Code of Practice when dealing with all disciplinary matters. These disciplinary procedures are designed to help ensure that standards are adhered to and provide a fair method of dealing with any alleged failure to abide by them. SFB Consulting Ltd operate as the School's Human Resources Department and are authorised to carry out meetings with staff and to act on their behalf in making decisions where appropriate.

- Please note that this policy is only applicable to employees who have successfully completed their probationary period.

Scope

This procedure will be used by management when instigating formal action for misconduct. Please note that this policy is non-contractual and does not form part of an employee's contract of employment.

The company is committed to its obligations under General Data Protection Regulations and will ensure compliance when processing personal data.

Informal Process

Minor breaches of discipline, misconduct, punctuality etc, may be dealt with informally through investigation, counselling or training. In such instances an informal warning may be issued to the employee highlighting the areas of improvements required. This informal warning would remain on the employee's records permanently.

Should the employee not make the improvements required or in cases where the misconduct is more serious, the formal process would be required.

Formal Process

1. Investigation

Where an act of misconduct or gross misconduct is suspected, a thorough investigation will be conducted.

- This will involve speaking to all employees who are suspected of misconduct or who may have witnessed the specific incidents / occurrences.



- All related evidence relating to the allegations will be gathered and the investigator will make a decision on whether the matter needs to be progressed to a disciplinary hearing.
- In cases where serious / gross misconduct allegations are present, the employee may be suspended on pay pending completion of the investigation. In such cases the suspension period will be as brief as possible and does not imply guilt or blame and will be for as short a period as possible. Suspension is not considered a disciplinary action.

Meetings to investigate are not formal meetings and therefore the employee does not have the right to be accompanied. Failure to attend or to give information at an investigation meeting would be to the employee's detriment as the School will then have to make a decision based solely on the information available to them at the time.

2. Disciplinary Hearing

The disciplinary meeting will be taken by Senior Management, where possible, not previously involved in the matter or the investigation and, in some instances, a scribe will also be in attendance.

- The employee will receive their disciplinary invite letter which will state all allegations and advise whether these are considered allegations of misconduct or gross misconduct.
- The disciplinary invite letter will also state the employee is entitled to be accompanied by a current work colleague or trade union representative only.
- The employee will also receive copies of all related investigative paperwork and a copy of the disciplinary procedure.
- The employee will receive reasonable notice of the meeting and should take every effort to attend.
- At the meeting the employee will be given the opportunity to put forward their explanations relating to the allegations and to state all information they wish for the manager to consider.
- The evidence and witness statements from the investigation will also be considered.
- Incidents of behaviour are not looked at in isolation, but each incident of misconduct is regarded cumulatively with any previous occurrences.
- Disciplinary or informal records will also be considered, in compliance with the General Data Protection Regulation 2018.
- Once the employee has put forward all they wish to, the meeting will be adjourned allowing reasonable time for the School to consider their decision.
- If it seems further investigations are required at this stage, then this will be conducted and discussed with the employee.
- The meeting will then be reconvened, this will be on the same day where possible, and the employee will be notified of the disciplinary outcome.
- This outcome will then be confirmed to the employee in writing and will state the appeal process that can be followed.

Failure to attend a disciplinary meeting without notification or good reason will result in the manager rescheduling another disciplinary meeting. An invite letter will be sent to the



employee stating their right to be accompanied and giving reasonable notice of the meeting. The invite letter will also clearly state that should the employee fail to attend the second meeting without good reason, the **meeting will be held and a decision will be made in their absence.**

Disciplinary Warnings / Outcomes

Any of the below outcomes may be decided at the disciplinary meeting:

1. No formal warning is to be issued and the matter is considered closed.
2. An informal warning may be issued and the employee will be advised of the areas of improvements required.
3. A first written warning may be issued. This will remain on the employee's file for 6 months.
4. A final written warning may be issued. This will remain on the employee's file for 12 months. However, the school reserves the right to extend this final written warning for a maximum of 6/12 months if there has been a history of misconduct by the employee or the matter is very serious and very close to being considered an act of gross misconduct.
5. All written disciplinary warnings will set out the nature of misconduct or poor performance, and the change in behaviour and improvement in performance required, with timescales if relevant.
6. Dismissal with notice. This terminates the employment relationship and the employee may either be required to work their notice or be paid in lieu of it. This is likely to occur where the employee has previously had a disciplinary warning or where the gravity of the misconduct is considered very serious and the trust and confidence in the employee has drastically deteriorated.
7. Summary dismissal without notice. This would immediately terminate the employment relationship and the employee would be dismissed without any notice pay. This is likely to occur in cases of very serious / gross misconduct.

The School may also consider the following alternatives to any potential dismissal:

- Demotion to a suitable job, if one is available.
- Suspension without pay for a maximum of 7 days.
- Loss of seniority, pay increment or discretionary bonus.
- Transfer to another department or area of the School.

Appeal Process

An employee will have the right to appeal any disciplinary outcome. This should be done in writing, stating their grounds of appeal to the Chair of Governors. Any appeal should be submitted within 5 days of the employee receiving the disciplinary outcome letter.

Once an appeal has been received, the following process will apply;

1. The employee will be invited to attend an appeal hearing with the Head Teacher or a School Governor, where possible who was not previously involved in the process.
2. The employee will be given the right to be accompanied by a current work colleague or



- trade union representative.
3. The employee will be given reasonable notice of the appeal meeting and should take all steps to attend.
 4. At the meeting the employee will be able to put forward their grounds of appeal for the manager to note and consider.
 5. If it seems further investigations are required at this stage, then this will be conducted and discussed with the employee.
 6. Once all of the appeal grounds have been put forward, the meeting will be adjourned and the employee will be notified of the appeal outcome in writing within a reasonable period of time.
 7. The outcome of the appeal is final and there will no further right of appeal for the employee.

Examples of Misconduct – this list is not exhaustive

- Failing to follow School procedures.
- Unacceptable attendance levels.
- Unacceptable punctuality.
- Inappropriate attitude and behaviours.

Examples of Gross Misconduct – this list is not exhaustive

- Fighting, physical assault or dangerous horseplay.
- Unauthorised absence and failure to maintain contact with the School when absent.
- Discrimination.
- Harassment.
- Bullying.
- Failing to follow School procedures.
- Possessing or viewing offensive material at work or during working hours.
- Misuse or inappropriate use of School computers.
- Negligence resulting in financial loss to the School and/or impacting on Client / Customer relationships.
- Uploading or distributing confidential information or photos about the School or which may belong to the School, its pupils or suppliers.
- Bribing another person or foreign official directly or indirectly.
- Requesting, accepting or receiving a bribe.
- Possession, consumption or being under the influence of drugs or alcohol.
- Failure to carry out lawful instruction from the Head Teacher during working hours (insubordination).
- The use of threatening or offensive language or behaviour.
- Theft of, or wilful damage to the School or other property.
- Unauthorised use of School resources, including postage, telephone and photocopying facilities.
- Endangering the Health and Safety of another person at your place of work.
- Any Data Protection breaches



- Conduct bringing the School into disrepute (this may include conduct while off-duty, but identifiably as an employee of the School).
- Any such actions which cause the School to have a significant loss of trust and confidence in the employee.

Employees Charged with or Convicted of Criminal Offences and Convictions

Criminal charges or convictions for offences of dishonesty or violence, committed outside working hours, may result in disciplinary proceedings being taken against the employee up to and including summary dismissal.

1. The School will consider whether or not the employee's conduct or convictions merit action because of employment implications.
2. A charge or conviction for any other type of offence may result in disciplinary proceedings being taken against the employee where, in the opinion of the School, the charge or conviction is such as to affect, or be likely to affect:
 - the suitability of the employee for the position in which he/she is employed
 - the business or reputation of the School
 - the existence of the charge or conviction could, in the opinion of the School, otherwise seriously undermine the trust and confidence the School has in the employee.

The School reserves the right to suspend employees, **without pay**, if it is deemed inappropriate for the employee to carry out their duties due the nature of the allegation / charge against them.

Following an investigation meeting, the School will consider whether or not the offence, with which the employee has been charged/convicted, will render the employee unsuitable for his/her type of work. The School will consider all the facts and act reasonably when considering if the conduct is sufficiently serious to warrant disciplinary action.

- Where applicable, the School will consider if the employees' job can be 'held open'.
- If a conviction means the employment cannot continue, for example if a driver loses his/her driver's license, the School will consider if suitable alternative work is appropriate and available.

Continuing to Work Together

The School's disciplinary policy and procedure provides a fair and consistent approach to supporting employees with maintaining the required standards of conduct and behaviour which create a dignified working environment.

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